

IN THE MATTER OF IAN CHARLES MACFARLANE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr I R Woolfe (in the chair)
Mr S N Jones
Mrs C Pickering

Date of Hearing: 25th April 2006

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Hilary Susan Morris, solicitor employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 21st September 2005 that Ian Charles MacFarlane, might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think fit.

The allegation against the Respondent was that he had been guilty of conduct unbefitting a solicitor by virtue of his conviction for dishonesty.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Hilary Susan Morris appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Tribunal heard evidence as to due service on the Respondent of the proceedings and the date of hearing and was satisfied that service had been duly effected.

At the conclusion of the hearing the Tribunal made the following Order:-

The Tribunal Orders that the Respondent Ian Charles Macfarlane, solicitor, be struck off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £820.56.

The facts are set out in paragraphs 1 to 5 hereunder:-

1. The Respondent, born in 1960, was admitted as a solicitor in 1985 and his name remained on the Roll of Solicitors.
2. At the material times the Respondent was one of four partners in the firm of Traill & Co at Greyhound House, Market Place, Blandford Forum, Dorset.
3. Following notification to the Law Society by a partner in Traill & Co of alleged misappropriation of funds by the Respondent, the Law Society investigated the matter on 19th August 2004 and reported on 25th January 2005.
4. Between 1996 and 2004 the Respondent operated an account with the Portman Building Society in the name of Ian Godfrey Revue. During this time the Respondent raised client account cheques payable to "I Revue" thereby giving the impression that the funds were being paid to the Inland Revenue when in fact they were being lodged into the "Ian Godfrey Revue" Portman Building Society account. A listing of the "Ian Godfrey Revue" Portman account transactions showed that over a period from October 1996 to July 2004 there were 164 lodgements totalling £825,064.18. Monies were drawn from this account by the Respondent and the balance of the Portman account in August 2004 amounted to £747.72.
5. At the Crown Court at Bournemouth on 25th April 2005, the Respondent pleaded guilty to 26 indictments of theft and asked the court to take into account one hundred and thirty seven other offences of theft. He was sentenced on 24th June 2005 to three years and nine months imprisonment.

The Submissions of the Applicant

6. The Respondent had in a letter dated 29th March 2005 applied to have his name removed from Roll of Solicitors and the Law Society had written on 31st October 2005 refusing that application. Since then the Respondent had not replied to any correspondence at all.
7. The Applicant sought to rely on the Certificate of Conviction under Rule 30 of the Solicitors (Disciplinary Proceedings) Rules 1994.
8. Over a period of eight years the Respondent had written client account cheques and paid them into a building society account he had opened for himself. The Applicant understood that most of the monies had been repaid but there were outstanding issues between the Respondent and the partnership.
9. The Respondent had clearly acted dishonestly. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Beashel who had said:-

“These were, on any view, thoroughly dishonest offences carried out over all of those years, and every time you paid your firm’s monies into this fictitious bank account, every time you withdrew monies from that account, you knew - you must have known - that you were stealing.”

The Findings of the Tribunal

10. A copy of the Certificate of Conviction was before the Tribunal and the Tribunal was satisfied from the documentation that the allegation was substantiated. This was an appalling case in which a solicitor had conducted a long campaign of defrauding clients. The Respondent had damaged the reputation of the profession and for the protection of the public it was right that he should have no part in the legal profession. The appropriate order was to strike his name from the Roll.
11. The Tribunal made the following Order:-

The Tribunal Orders that the Respondent Ian Charles Macfarlane, solicitor, be struck off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £820.56.

DATED this 19th day of June 2006
on behalf of the Tribunal

I R Woolfe
Chairman